

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MVP LANES, LLC

Plaintiff

v.

RI HISPANIC BANCGROUP, LLC

Defendant

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Case #: 1:11-cv-02402 RDB

MOTION FOR RETURN OF PASSPORT

Comes now, Movant Martien Eerhart (hereinafter “Eerhart” or “Movant”), principal and sole-member of RI Hispanic Bancgroup, LLC (hereinafter “Defendant”) and files this Motion for Return of Passport and states the following in support thereof:

1. This matter was initiated by MVP Lanes, Inc. (hereinafter “Plaintiff”) on or about August 26, 2011 and alleged the failure of Defendant to properly fund its real estate development project in Hunt Valley Towne Center in Baltimore County, Maryland. The facts detailing the relationship between the parties and the nature of this dispute were more fully set forth by this Court’s Memorandum Opinion (ECF No. 26) and therefore will not be repeated here.

2. Following a hearing in this matter regarding Plaintiff’s deposit of \$90,000 with escrow agent Cape Canaveral Investments, Corp., Eerhart was ordered to deliver his passport ending in 8JC5 to the Clerk of Court and did so on September 21, 2011 (ECF No. 20).

3. Since the surrender of his Eerhart’s passport Plaintiff’s deposit of \$90,000 was deposited with this Court in two deposits by Cape Canaveral. The first deposit of \$65,000 was acknowledged by the Clerk of Court on October 27, 2011 and the second deposit of \$25,000 was acknowledged on November 14, 2011.

4. On February 2, 2011 this Court granted Plaintiff's Motion for Disbursement of Funds from Registry (ECF No. 42).

5. At this time there are no pending motions in this matter nor is this Court awaiting compliance on any outstanding Order.

6. Furthermore, in an unrelated matter, Movant requested a Certificate of Dutch Nationality from the Consulate of the Netherlands in Boston, MA. On August 28, 2012 Movant received an email request from that consulate requesting that Movant produce his original passport for review by the consulate in Boston. A copy of that email was forwarded to undersigned counsel and is attached as Exhibit A.

7. Movant asserts that he has been informed that he will not receive his Certificate of Nationality until his passport has been produced for inspection.

WHEREFORE, for the reasons set forth above and for any other reasons this Court may deem just and proper, and which may appear in supplemental pleadings, which Movant explicitly reserves the right to file, Martien Eerhart respectfully requests that this motion be granted and his passport be returned to him or in the alternative allow access to his passport to fulfill the request of the Consulate of the Netherlands.

Respectfully Submitted,

/ss/

Anthony Butler, Esquire #27318
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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that September 17, 2012 the foregoing Motion for Return of Passport was electronically filed in accordance with the Electronic Filing Requirements and Procedures as established by the U.S. District Court for the District of Maryland.

/ss/
Anthony Butler, Esquire #27318

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ORDER

This matter having come before the Court on Mr. Martien Eerhart's Motion For Return of Passport and good cause having been shown, it is this ____ day of _____

HEREBY ORDERED:

- ☐ That the motion is granted and the passport shall be returned to Mr. Eerhart;
- ☐ That the motion is granted and the passport shall be returned to Mr. Eerhart for a period of _____ days and shall be returned to the Clerk of Court by _____.
- ☐ That the motion is denied;
- ☐ _____

United States District Judge